

DEC 26 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALBERTO IVAN LANDEROS  
GARDUNO; IVONNE DEKARLA  
LANDEROS GARDUNO,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-71611

Agency Nos. A096-064-316  
A096-064-317

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted December 17, 2008\*\*

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Alberto Ivan Landeros Garduno and Ivonne Dekarla Landeros Garduno,  
siblings and natives and citizens of Mexico, petition for review of the Board of

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo due process claims, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000), and we deny the petition for review.

We agree with the BIA's conclusion that because the record establishes that petitioners are ineligible for the relief sought, their due process claims fail for lack of prejudice from the alleged ineffective assistance of counsel, the actions of the IJ, and their alleged inability to apply for relief as minors. *See id.* at 972 (requiring a showing that IJ's conduct may have affected the outcome of proceedings); *see also Iturribarria v. INS*, 321 F.3d 889, 899-900 (9th Cir. 2003) (requiring a showing that attorney's conduct may have affected the outcome of proceedings).

**PETITION FOR REVIEW DENIED.**